

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA,

v.

MICHAEL KEARNS (12)

Case No. 3:05-CR-400-FDW

O R D E R

A motion has been duly brought before this Court for an order to deposit proceeds representing partial restitution by defendant MICHAEL KEARNS. These proceeds represent money illegally obtained from victims by defendant Kearns and his co-conspirators through a sweepstakes fraud originating out of Costa Rica. The Court having considered the same, the Court finds that the proceeds ought to be deposited with the Court Registry in an interest-bearing account.

It is, therefore, ORDERED, ADJUDGED AND DECREED that:

1. The proceeds in this case, in the form of a check in excess of \$435,000, issued by the attorneys for defendant MICHAEL KEARNS, will be deposited with the Clerk of Court in an interest-bearing account.

2. Upon receipt of the funds, the Clerk of the Court, as soon as the business of his office allows, will place the said funds in an interest-bearing account at the prevailing rate of interest. In return, the Clerk is to receive an indicia of ownership of a money market account payable to:

United States District Court
for the Western District of North Carolina
Clerk of Court, Trustee
Case No. 3:05-CR-400-FDW

The initial investment and any interest earned thereon will be subject to the collateral provisions of Treasury Circular 176, if applicable.

3. The United States will serve a copy of this Order upon the Clerk or the Financial Deputy Clerk, along with the aforementioned proceeds, which will remain deposited into the Registry of the Court until further order of this Court.

SO ORDERED.

Signed: September 17, 2008



Frank D. Whitney
United States District Judge

